IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1094 of 2004 (M/B)

Uttarakhand Anusuchit Janjati Kalyan Samiti,
Through its General Secretary
Chandra Singh Martoliya,
S/o Late Mangal Singh Martoliya,
Mangal Bhawan, 5/28, Johar Nagar,
P.O. Bhotia Parao, Haldwani,
District Nainital. …… Petitioner

Versus

1. Union of India,
through Secretary, Ministry of Tribal Affairs,
New Delhi.
2. State of Uttaranchal,
through Chief Secretary,
Vidhan Sabha, Dehradun.
3. State of Uttaranchal,
through Secretary, Samaj Kalyan Department.
4. District Magistrate,
District Pithoragarh, Uttaranchal.
5. Bhotia Jan Jati Sangharsh Samiti,
Dharchula-Munsiary Blocks,
Pithoragarh. ……. Respondents

Ms. Menaka Tripathi, Advocate for the petitioner.
None for respondent No. 1.
Mr. N.C. Gupta, Standing Counsel for respondents Nos. 2, 3 and 4.
None for respondents No. 5.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C. J. (Oral)

Ms. Menaka Tripathi, Advocate for the petitioner.

None for respondent No. 1.

Mr. N.C. Gupta, Standing Counsel for respondents Nos. 2, 3 and 4.

None for respondent No. 5.

They are heard.

2. Petitioner Uttarakhand Anusuchit Janjati Kalyan Samiti has filed this writ petition for the following reliefs:

"i. Issue a writ, order or direction in the nature of mandamus commanding the Respondents not to misinterpret or illegally enlarge the scope of the notification dated 24.06.1967 issued under Article 342(I) of the Constitution of India which declares Bhotias as Scheduled tribe, by wrongly granting Scheduled Tribes status and benefits to al residents of Bhot region on geographic basis.

ii. Issue a writ, order or direction in the nature of certiorari quashing any orders illegally issued granting Scheduled Tribes status and benefits to members of Respondent No. 5 and other similarly situated persons on the basis of their geographical residence in Bhot region, after summoning the originals from the custody of the Respondents.

iii. Mould and grant any other order or direction, which this Hon'ble Court deems fit and proper in the circumstances of the case.

iv. Award the cost of the Petition to the Petitioner."

3. On a bare perusal of the averments in the wit petition and the above-quoted prayer clause, it is apparent that the petitioner Samiti has filed this writ petition apprehending passing of an order by the respondents, extending 'Scheduled Tribe Status and Benefits' to all residents of Bhot region on geographic basis.

4. As no such order has been passed by any authority so far, the writ petition is liable to be dismissed as 'Premature'.

5. The writ petition, therefore, is dismissed accordingly.

(Prafulla C. Pant, J.) **(Rajeev Gupta, C.J.)**
17.06.2006 17.06.2006

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